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Laws

By Plato

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Laws

By Plato

Written 360 B.C.E

Translated by Benjamin Jowett

[Table of Contents](#)

Book IX

Next to all the matters which have preceded in the natural order of legislation will come suits of law. Of suits those which relate to agriculture have been already described, but the more important have not been described. Having mentioned them severally under their usual names, we will proceed to say what punishments are to be inflicted for each offence, and who are to be the judges of them.

Cleinias. Very good.

Athenian Stranger. There is a sense of disgrace in legislating, as we are about to do, for all the details of crime in a state which, as we say, is to be well regulated and will be perfectly adapted to the practice of virtue. To assume that in such a state there will arise some one who will be guilty of crimes as heinous as any which are ever perpetrated in other states, and that we must legislate for him by anticipation, and threaten and make laws against him if he should arise, in order to deter him, and punish his acts, under the idea that he will arise-this, as I was saying, is in a manner disgraceful. Yet seeing that we are not like the ancient legislators, who gave laws to heroes and sons of gods, being, according to the popular belief, themselves the offspring of the gods, and legislating for others, who were also the children of divine parents, but that we are only men who are legislating for the sons of men, there is no uncharitableness in apprehending that some one of our citizens may be like a seed which has touched the ox's horn, having a heart so hard that it cannot be softened any more than those seeds can be softened by fire. Among our citizens there may be those who cannot be subdued by all the strength of the laws; and for their sake, though an ungracious task, I will proclaim my first law about the robbing of temples, in case any one should dare to commit such a crime. I do not expect or imagine that any well-

brought-up citizen will ever take the infection, but their servants, and strangers, and strangers' servants may be guilty of many impieties. And with a view to them especially, and yet not without a provident eye to the weakness of human nature generally, I will proclaim the law about robbers of temples and similar incurable, or almost incurable, criminals. Having already agreed that such enactments ought always to have a short prelude, we may speak to the criminal, whom some tormenting desire by night and by day tempts to go and rob a temple, the fewest possible words of admonition and exhortation:-O sir, we will say to him, the impulse which moves you to rob temples is not an ordinary human malady, nor yet a visitation of heaven, but a madness which is begotten in a man from ancient and unexpiated crimes of his race, an ever-recurring curse;-against this you must guard with all your might, and how you are to guard we will explain to you. When any such thought comes into your mind, go and perform expiations, go as a suppliant to the temples of the Gods who avert evils, go to the society of those who are called good men among you; hear them tell and yourself try to repeat after them, that every man should honour the noble and the just. Fly from the company of the wicked-fly and turn not back; and if your disorder is lightened by these remedies, well and good, but if not, then acknowledge death to be nobler than life, and depart hence.

Such are the preludes which we sing to all who have thoughts of unholy and treasonable actions, and to him who hearkens to them the law has nothing to say. But to him who is disobedient when the prelude is over, cry with a loud voice,-He who is taken in the act of robbing temples, if he be a slave or stranger, shall have his evil deed engraven on his face and hands, and shall be beaten with as many stripes as may seem good to the judges, and be cast naked beyond the borders of the land. And if he suffers this punishment he will probably return to his right mind and be improved; for no penalty which the law inflicts is designed for evil, but always makes him who suffers either better or not so much worse as he would have been. But if any citizen be found guilty of any great or unmentionable wrong, either in relation to the gods, or his parents, or the state, let the judge deem him to be incurable, remembering that after receiving such an excellent education and training from youth upward, he has not abstained from the greatest of crimes. His punishment shall be death, which to him will be the least of evils; and his example will benefit others, if he perish ingloriously, and be cast beyond the borders of the land. But let his children and family, if they avoid the ways of their father, have glory, and let honourable mention be made of them, as having nobly and manfully escaped out of evil into good. None of them should have their goods confiscated to the state, for the lots of the citizens ought always to continue the same and equal.

Touching the exaction of penalties, when a man appears to have done anything which deserves a fine, he shall pay the fine, if he have anything in excess of the lot which is assigned to him; but more than that he shall not pay. And to secure exactness, let the guardians of the law refer to the registers, and inform the judges of the precise truth, in order that none of the lots may go uncultivated for want of money. But if any one seems to deserve a greater penalty, let him undergo a long and public imprisonment and be dishonoured, unless some of his friends are willing to be surety for him, and liberate him by assisting him to pay the fine. No criminal shall go unpunished, not even for a single offence, nor if he have fled the country; but let the penalty be according to his deserts-death, or bonds, or blows, or degrading places of sitting or standing, or removal to some temple on the borders of the land; or let him pay fines, as we said before. In cases of death, let the judges be the guardians of the law, and a court selected by merit from the last year's magistrates. But how the causes are to be brought into to court, how the summonses are to be served, the like, these things may be left to the younger generation of legislators to determine; the manner of voting we must determine ourselves.

Let the vote be given openly; but before they come to the vote let the judges sit in order of

seniority over against plaintiff and defendant, and let all the citizens who can spare time hear and take a serious interest in listening to such causes. First of all the plaintiff shall make one speech, and then the defendant shall make another; and after the speeches have been made the eldest judge shall begin to examine the parties, and proceed to make an adequate enquiry into what has been said; and after the oldest has spoken, the rest shall proceed in order to examine either party as to what he finds defective in the evidence, whether of statement or omission; and he who has nothing to ask shall hand over the examination to another. And on so much of what has been said as is to the purpose all the judges shall set their seals, and place the writings on the altar of Hestia. On the next day they shall meet again, and in like manner put their questions and go through the cause, and again set their seals upon the evidence; and when they have three times done this, and have had witnesses and evidence enough, they shall each of them give a holy vote, after promising by Hestia that they will decide justly and truly to the utmost of their power; and so they shall put an end to the suit.

Next, after what relates to the Gods, follows what relates to the dissolution of the state:-Whoever by promoting a man to power enslaves the laws, and subjects the city to factions, using violence and stirring up sedition contrary to law, him we will deem the greatest enemy of the whole state. But he who takes no part in such proceedings, and, being one of the chief magistrates of the state, has no knowledge of the treason, or, having knowledge of it, by reason of cowardice does not interfere on behalf of his country, such an one we must consider nearly as bad. Every man who is worth anything will inform the magistrates, and bring the conspirator to trial for making a violent and illegal attempt to change the government. The judges of such cases shall be the same as of the robbers of temples; and let the whole proceeding be carried on in the same way, and the vote of the majority condemn to death. But let there be a general rule, that the disgrace and punishment of the father is not to be visited on the children, except in the case of some one whose father, grandfather, and great-grandfather have successively undergone the penalty of death. Such persons the city shall send away with all their possessions to the city and country of their ancestors, retaining only and wholly their appointed lot. And out of the citizens who have more than one son of not less than ten years of age, they shall select ten whom their father or grandfather by the mother's or father's side shall appoint, and let them send to Delphi the names of those who are selected, and him whom the God chooses they shall establish as heir of the house which has failed; and may he have better fortune than his predecessors!

Cle. Very good.

Ath. Once more let there be a third general law respecting the judges who are to give judgment, and the manner of conducting suits against those who are tried on an accusation of treason; and as concerning the remaining or departure of their descendants-there shall be one law for all three, for the traitor, and the robber of temples, and the subverter by violence of the laws of the state. For a thief, whether he steal much or little, let there be one law, and one punishment for all alike: in the first place, let him pay double the amount of the theft if he be convicted, and if he have so much over and above the allotment;-if he have not, he shall be bound until he pay the penalty, or persuade him has obtained the sentence against him to forgive him. But if a person be convicted of a theft against the state, then if he can persuade the city, or if he will pay back twice the amount of the theft, he shall be set free from his bonds.

Cle. What makes you say, Stranger, that a theft is all one, whether the thief may have taken much or little, and either from sacred or secular places-and these are not the only differences in thefts:-seeing, then, that they are of many kinds, ought not the legislator to adapt himself to them, and impose upon them entirely different penalties?

Ath. Excellent. I was running on too fast, Cleinias, and you impinged upon me, and brought me

to my senses, reminding me of what, indeed, had occurred to mind already, that legislation was never yet rightly worked out, as I may say in passing.-Do you remember the image in which I likened the men for whom laws are now made to slaves who are doctored by slaves? For of this you may be very sure, that if one of those empirical physicians, who practise medicine without science, were to come upon the gentleman physician talking to his gentleman patient, and using the language almost of philosophy, beginning at the beginning of the disease and discoursing about the whole nature of the body, he would burst into a hearty laugh-he would say what most of those who are called doctors always have at their tongue's end:-Foolish fellow, he would say, you are not healing the sick man, but you are educating him; and he does not want to be made a doctor, but to get well.

Cle. And would he not be right?

Ath. Perhaps he would; and he might remark upon us that he who discourses about laws, as we are now doing, is giving the citizens education and not laws; that would be rather a telling observation.

Cle. Very true.

Ath. But we are fortunate.

Cle. In what way?

Ath. Inasmuch as we are not compelled to give laws, but we may take into consideration every form of government, and ascertain what is best and what is most needful, and how they may both be carried into execution; and we may also, if we please, at this very moment choose what is best, or, if we prefer, what is most necessary-which shall we do?

Cle. There is something ridiculous, Stranger, in our proposing such an alternative as if we were legislators, simply bound under some great necessity which cannot be deferred to the morrow. But we, as I may by grace of Heaven affirm, like, gatherers of stones or beginners of some composite work, may gather a heap of materials, and out of this, at our leisure, select what is suitable for our projected construction. Let us then suppose ourselves to be at leisure, not of necessity building, but rather like men who are partly providing materials, and partly putting them together. And we may truly say that some of our laws, like stones, are already fixed in their places, and others lie at hand.

Ath. Certainly, in that case, Cleinias, our view of law will be more in accordance with nature. For there is another matter affecting legislators, which I must earnestly entreat you to consider.

Cle. What is it?

Ath. There are many writings to be found in cities, and among them there, are composed by legislators as well as by other persons.

Cle. To be sure.

Ath. Shall we give heed rather to the writings of those others-poets and the like, who either in metre or out of metre have recorded their advice about the conduct of life, and not to the writings of legislators? or shall we give heed to them above all?

Cle. Yes; to them far above all others.

Ath. And ought the legislator alone among writers to withhold his opinion about the beautiful, the good, and the just, and not to teach what they are, and how they are to be pursued by those who intend to be happy?

Cle. Certainly not.

Ath. And is it disgraceful for Homer and Tyrtaeus and other poets to lay down evil precepts in their writings respecting life and the pursuits of men, but not so disgraceful for Lycurgus and Solon and others who were legislators as well as writers? Is it not true that of all the writings to be found in cities, those which relate to laws, when you unfold and read them, ought to be by far the noblest and the best? and should not other writings either agree with them, or if they disagree, be deemed ridiculous? We should consider whether the laws of states ought not to have the character of loving and wise parents, rather than of tyrants and masters, who command and threaten, and, after writing their decrees on walls, go their ways; and whether, in discoursing of laws, we should not take the gentler view of them which may or may not be attainable-at any rate, we will show our readiness to entertain such a view, and be prepared to undergo whatever may be the result. And may the result be good, and if God be gracious, it will be good!

Cle. Excellent; let us do as you say.

Ath. Then we will now consider accurately, as we proposed, what relates to robbers of temples, and all kinds of thefts, and offences in general; and we must not be annoyed if, in the course of legislation, we have enacted some things, and have not made up our minds about some others; for as yet we are not legislators, but we may soon be. Let us, if you please, consider these matters.

Cle. By all means.

Ath. Concerning all things honourable and just, let us then endeavour to ascertain how far we are consistent with ourselves, and how far we are inconsistent, and how far the many, from whom at any rate we should profess a desire to differ, agree and disagree among themselves.

Cle. What are the inconsistencies which you observe in us?

Ath. I will endeavour to explain. If I am not mistaken, we are all agreed that justice, and just men and things and actions, are all fair, and, if a person were to maintain that just men, even when they are deformed in body, are still perfectly beautiful in respect of the excellent justice of their minds, no one would say that there was any inconsistency in this.

Cle. They would be quite right.

Ath. Perhaps; but let us consider further, that if all things which are just are fair and honourable, in the term "all" we must include just sufferings which are the correlatives of just actions.

Cle. And what is the inference?

Ath. The inference is, that a just action in partaking of the just partakes also in the same degree of the fair and honourable.

Cle. Certainly.

Ath. And must not a suffering which partakes of the just principle be admitted to be in the same degree fair and honourable, if the argument is consistently carried out?

Cle. True.

Ath. But then if we admit suffering to be just and yet dishonourable, and the term "dishonourable" is applied to justice, will not the just and the honourable disagree?

Cle. What do you mean?

Ath. A thing not difficult to understand; the laws which have been already enacted would seem to announce principles directly opposed to what we are saying.

Cle. To what?

Ath. We had enacted, if I am not mistaken, that the robber of temples, and he who was the enemy of law and order, might justly be put to death, and we were proceeding to make divers other enactments of a similar nature. But we stopped short, because we saw that these sufferings are infinite in number and degree, and that they are, at once, the most just and also the most dishonourable of all sufferings. And if this be true, are not the just and the honourable at one time all the same, and at another time in the most diametrical opposition?

Cle. Such appears to be the case.

Ath. In this discordant and inconsistent fashion does the language of the many rend asunder the honourable and just.

Cle. Very true, Stranger.

Ath. Then now, Cleinias, let us see how far we ourselves are consistent about these matters.

Cle. Consistent in what?

Ath. I think that I have clearly stated in the former part of the discussion, but if I did not, let me now state-

Cle. What?

Ath. That all bad men are always involuntarily bad; and from this must proceed to draw a further inference.

Cle. What is it?

Ath. That the unjust man may be bad, but that he is bad against his will. Now that an action which is voluntary should be done involuntarily is a contradiction; wherefore he who maintains that injustice is involuntary will deem that the unjust does injustice involuntarily. I too admit that all men do injustice involuntarily, and if any contentious or disputatious person says that men are unjust against their will, and yet that many do injustice willingly, I do not agree with him. But, then, how can I avoid being inconsistent with myself, if you, Cleinias, and you, Megillus, say to me-Well, Stranger, if all this be as you say, how about legislating for the city of the Magnetes-shall we legislate or not-what do you advise? Certainly we will, I should reply. Then will you determine for them what are voluntary and what are involuntary crimes, and shall we make the punishments greater of voluntary errors and crimes and less for the involuntary? or shall we make the punishment of all to be alike, under the idea that there is no such thing as voluntary crime?

Cle. Very good, Stranger; and what shall we say in answer to these objections?

Ath. That is a very fair question. In the first place, let us-

Cle. Do what?

Ath. Let us remember what has been well said by us already, that our ideas of justice are in the highest degree confused and contradictory. Bearing this in mind, let us proceed to ask ourselves once more whether we have discovered a way out of the difficulty. Have we ever determined in what respect these two classes of actions differ from one another? For in all states and by all legislators whatsoever, two kinds of actions have been distinguished-the one, voluntary, the other, involuntary; and they have legislated about them accordingly. But shall this new word of ours, like an oracle of God, be only spoken, and get away without giving any explanation or verification of itself? How can a word not understood be the basis of legislation? Impossible. Before proceeding to legislate, then, we must prove that they are two, and what is the difference between them, that when we impose the penalty upon either, every one may understand our proposal, and be able in some way to judge whether the penalty is fitly or unfitly inflicted.

Cle. I agree with you, Stranger; for one of two things is certain: either we must not say that all unjust acts are involuntary, or we must show the meaning and truth of this statement.

Ath. Of these two alternatives, the one is quite intolerable-not to speak what I believe to be the truth would be to me unlawful and unholy. But if acts of injustice cannot be divided into voluntary and involuntary, I must endeavour to find some other distinction between them.

Cle. Very true, Stranger; there cannot be two opinions among us upon that point.

Ath. Reflect, then; there are hurts of various kinds done by the citizens to one another in the intercourse of life, affording plentiful examples both of the voluntary and involuntary.

Cle. Certainly.

Ath. I would not have any one suppose that all these hurts are injuries, and that these injuries are of two kinds-one, voluntary, and the other, involuntary; for the involuntary hurts of all men are quite as many and as great as the voluntary? And please to consider whether I am right or quite wrong in what I am going to say; for I deny, Cleinias and Megillus, that he who harms another involuntarily does him an injury involuntarily, nor should I legislate about such an act under the idea that I am legislating for an involuntary injury. But I should rather say that such a hurt, whether great or small, is not an injury at all; and, on the other hand, if I am right, when a benefit is wrongly conferred, the author of the benefit may often be said to injure. For I maintain, O my friends, that the mere giving or taking away of anything is not to be described either as just or unjust; but the legislator has to consider whether mankind do good or harm to one another out of a just principle and intention. On the distinction between injustice and hurt he must fix his eye; and when there is hurt, he must, as far as he can, make the hurt good by law, and save that which is ruined, and raise up that which is fallen, and make that which is dead or wounded whole. And when compensation has been given for injustice, the law must always seek to win over the doers and sufferers of the several hurts from feelings of enmity to those of friendship.

Cle. Very good.

Ath. Then as to unjust hurts (and gains also, supposing the injustice to bring gain), of these we may heal as many as are capable of being healed, regarding them as diseases of the soul; and the cure of injustice will take the following direction.

Cle. What direction?

Ath. When any one commits any injustice, small or great, the law will admonish and compel him either never at all to do the like again, or never voluntarily, or at any rate in a far less degree; and he must in addition pay for the hurt. Whether the end is to be attained by word or action, with pleasure or pain, by giving or taking away privileges, by means of fines or gifts, or in whatsoever way the law shall proceed to make a man hate injustice, and love or not hate the nature of the just-this is quite the noblest work of law. But if the legislator sees any one who is incurable, for him he will appoint a law and a penalty. He knows quite well that to such men themselves there is no profit in the continuance of their lives, and that they would do a double good to the rest of mankind if they would take their departure, inasmuch as they would be an example to other men not to offend, and they would relieve the city of bad citizens. In such cases, and in such cases only, the legislator ought to inflict death as the punishment of offences.

Cle. What you have said appears to me to be very reasonable, but will you favour me by stating a little more clearly the difference between hurt and injustice, and the various complications of the voluntary and involuntary which enter into them?

Ath. I will endeavour to do as you wish:-Concerning the soul, thus much would be generally said and allowed, that one element in her nature is passion, which may be described either as a state or a part of her, and is hard to be striven against and contended with, and by irrational force overturns many things.

Cle. Very true.

Ath. And pleasure is not the same with passion, but has an opposite power, working her will by persuasion and by the force of deceit in all things.

Cle. Quite true.

Ath. A man may truly say that ignorance is a third cause of crimes. Ignorance, however, may be conveniently divided by the legislator into two sorts: there is simple ignorance, which is the source of lighter offences, and double ignorance, which is accompanied by a conceit of wisdom; and he who is under the influence of the latter fancies that he knows all about matters of which he knows nothing. This second kind of ignorance, when possessed of power and strength, will be held by the legislator to be the source of great and monstrous times, but when attended with weakness, will only result in the errors of children and old men; and these he will treat as errors, and will make laws accordingly for those who commit them, which will be the mildest and most merciful of all laws.

Cle. You are perfectly right.

Ath. We all of us remark of one man that he is superior to pleasure and passion, and of another that he is inferior to them; and this is true.

Cle. Certainly.

Ath. But no one was ever yet heard to say that one of us is superior and another inferior to ignorance.

Cle. Very true.

Ath. We are speaking of motives which incite men to the fulfilment of their will; although an individual may be often drawn by them in opposite directions at the same time.

Cle. Yes, often.

Ath. And now I can define to you clearly, and without ambiguity, what I mean by the just and unjust, according to my notion of them:-When anger and fear, and pleasure and pain, and jealousies and desires, tyrannize over the soul, whether they do any harm or not-I call all this injustice. But when the opinion of the best, in whatever part of human nature states or individuals may suppose that to dwell, has dominion in the soul and orders the life of every man, even if it be sometimes mistaken, yet what is done in accordance therewith, the principle in individuals which obeys this rule, and is best for the whole life of man, is to be called just; although the hurt done by mistake is thought by many to be involuntary injustice. Leaving the question of names, about which we are not going to quarrel, and having already delineated three sources of error, we may begin by recalling them somewhat more vividly to our memory:-One of them was of the painful sort, which we denominate anger and fear.

Cle. Quite right.

Ath. There was a second consisting of pleasures and desires, and a third of hopes, which aimed at true opinion about the best. The latter being subdivided into three, we now get five sources of actions; and for these five we will make laws of two kinds.

Cle. What are the two kinds?

Ath. There is one kind of actions done by violence and in the light of day, and another kind of actions which are done in darkness and with secret deceit, or sometimes both with violence and deceit; the laws concerning these last ought to have a character of severity.

Cle. Naturally.

Ath. And now let us return from this digression and complete the work of legislation. Laws have been already enacted by us concerning the robbers of the Gods, and concerning traitors, and also concerning those who corrupt the laws for the purpose of subverting the government. A man may very likely commit some of these crimes, either in a state of madness or when affected by disease, or under the influence of extreme old age, or in a fit of childish wantonness, himself no better than a child. And if this be made evident to the judges elected to try the cause, on the appeal of the criminal or his advocate, and he be judged to have been in this state when he committed the offence, he shall simply pay for the hurt which he may have done to another; but he shall be exempt from other penalties, unless he have slain some one, and have on his hands the stain of blood. And in that case he shall go to another land and country, and there dwell for a year; and if he return before the expiration of the time which the law appoints, or even set his foot at all on his native land, he shall be bound by the guardians of the law in the public prison for two years, and then go free.

Having begun to speak of homicide, let us endeavour to lay down laws concerning every different kind of homicides, and, first of all, concerning violent and involuntary homicides. If any one in an athletic contest, and at the public games, involuntarily kills a friend, and he dies either at the time or afterwards of the blows which he has received; or if the like misfortune happens to any one in war, or military exercises, or mimic contests. of which the magistrates enjoin the practice, whether with or without arms, when he has been purified according to the law brought from Delphi relating to these matters, he shall be innocent. And so in the case of physicians: if their patient dies against their will, they shall be held guiltless by the law. And if one slay another with his own hand, but unintentionally, whether he be unarmed or have some instrument or dart in his hand; or if he kill him by administering food or drink or by the application of fire or cold, or by suffocating him, whether he do the deed by his own hand, or by the agency of others, he shall be deemed the agent, and shall suffer one of the following penalties:-If he kill the slave of another in the belief that he is his own, he shall bear the master of the dead man harmless from loss, or shall pay a penalty of twice the value of the dead man, which the judges shall assess; but purifications must be used greater and more numerous than for those who committed homicide at the games;-what they are to be, the interpreters whom the God appoints shall be authorized to declare. And if a man kills his own slave, when he has been purified according to laws he shall be quit of the homicide. And if a man kills a freeman unintentionally, he shall undergo the same purification as he did who killed the slave. But let him not forget also a tale of olden time, which is to this effect:-He who has suffered a violent end, when newly dead, if he has had the soul of a freeman in life, is angry with the author of his death; and being himself full of fear and panic by reason of his violent end, when he sees his murderer walking about in his own accustomed haunts, he is stricken with terror and becomes disordered, and this disorder of his, aided by the guilty recollection of is communicated by him with overwhelming force to the murderer and his deeds. Wherefore also the murderer must go out of the way of his victim for the entire period of a year, and not himself be found in any spot which was familiar to him throughout the country. And if the dead man be a stranger, the homicide shall be kept from the country of the stranger during a like period. If any one voluntarily obeys this law, the next of kin to the deceased, seeing all that has happened, shall take pity on him, and make peace with him, and show him all gentleness. But if any one is disobedient, either ventures to go to any of the temples and sacrifice unpurified, or will not

continue in exile during the appointed time, the next of kin to the deceased shall proceed against him for murder; and if he be convicted, every part of his punishment shall be doubled.

And if the next of kin do not proceed against the perpetrator of the crime, then the pollution shall be deemed to fall upon his own head;-the murdered man will fix the guilt upon his kinsman, and he who has a mind to proceed against him may compel him to be absent from his country during five years, according to law. If a stranger unintentionally kill a stranger who is dwelling in the city, he who likes shall prosecute the cause according to the same rules. If he be a metic, let him be absent for a year, or if he be an entire stranger, in addition to the purification, whether he have slain a stranger, or a metic, or a citizen, he shall be banished for life from the country which is in possession of our laws. And if he return contrary to law, let the guardians of the law punish him with death; and let them hand over his property, if he have any, to him who is next of kin to the sufferer. And if he be wrecked, and driven on the coast against his will, he shall take up his abode on the seashore, wetting his feet in the sea, and watching for an opportunity of sailing; but if he be brought by land, and is not his own master, let the magistrate whom he first comes across in the city, release him and send him unharmed over the border.

If any one slays a freeman with his own hand and the deed be done in passion, in the case of such actions we must begin by making a distinction. For a deed is done from passion either when men suddenly, and without intention to kill, cause the death of another by blows and the like on a momentary impulse, and are sorry for the deed immediately afterwards; or again, when after having been insulted in deed or word, men pursue revenge, and kill a person intentionally, and are not sorry for the act. And, therefore, we must assume that these homicides are of two kinds, both of them arising from passion, which may be justly said to be in a mean between the voluntary and involuntary; at the same time, they are neither of them anything more than a likeness or shadow of either. He who treasures up his anger, and avenges himself, not immediately and at the moment, but with insidious design, and after an interval, is like the voluntary; but he who does not treasure up his anger, and takes vengeance on the instant, and without malice premeditation, approaches to the involuntary; and yet even he is not altogether involuntary, but only the image or shadow of the involuntary; wherefore about homicides committed in hot blood, there is a difficulty in determining whether in legislating we shall reckon them as voluntary or as partly involuntary. The best and truest view is to regard them respectively as likenesses only of the voluntary and involuntary, and to distinguish them accordingly as they are done with or without premeditation. And we should make the penalties heavier for those who commit homicide with angry premeditation, and lighter for those who do not premeditate, but smite upon the instant; for that which is like a greater evil should be punished more severely, and that which is like a less evil should be punished less severely: this shall be the rule of our laws.

Cle. Certainly.

Ath. Let us proceed:-If any one slays a free man with his own hand, and the deed be done in a moment of anger, and without premeditation, let the offender suffer in other respects as the involuntary homicide would have suffered, and also undergo an exile of two years, that he may learn to school his passions. But he who slays another from passion, yet with premeditation, shall in other respects suffer as the former; and to this shall be added an exile of three instead of two years-his punishment is to be longer because his passion is greater. The manner of their return shall be on this wise: (and here the law has difficulty in determining exactly; for in some cases the murderer who is judged by the law to be the worse may really be the less cruel, and he who is judged the less cruel may be really the worse, and may have executed the murder in a more savage manner, whereas the other may have been gentler. But in general the degrees of guilt will be such as we have described them. Of all these things the guardians of the law must take

cognisance):-When a homicide of either kind has completed his term of exile, the guardians shall send twelve judges to the borders of the land; these during the interval shall have informed themselves of the actions of the criminals, and they shall judge respecting their pardon and reception; and the homicides shall abide by their judgment. But if after they have returned home, any one of them in a moment of anger repeats the deed, let him be an exile, and return no more; or if he returns, let him suffer as the stranger was to suffer in a similar case. He who kills his own slave shall undergo a purification, but if he kills the slave of another in anger, he shall pay twice the amount of the loss to his owner. And if any homicide is disobedient to the law, and without purification pollutes the agora, or the games, or the temples, he who pleases may bring to trial the next of kin to the dead man for permitting him, and the murderer with him, and may compel the one to exact and the other to suffer a double amount of fines and purifications; and the accuser shall himself receive the fine in accordance with the law. If a slave in a fit of passion kills his master, the kindred of the deceased man may do with the murderer (provided only they do not spare his life) whatever they please, and they will be pure; or if he kills a freeman, who is not his master, the owner shall give up the slave to the relatives of the deceased, and they shall be under an obligation to put him to death, but this may be done in any manner which they please.

And if (which is a rare occurrence, but does sometimes happen) a father or a mother in a moment of passion slays a son or daughter by blows, or some other violence, the slayer shall undergo the same purification as in other cases, and be exiled during three years; but when the exile returns the wife shall separate from the husband, and the husband from the wife, and they shall never afterwards beget children together, or live under the same roof, or partake of the same sacred rites with those whom they have deprived of a child or of a brother. And he who is impious and disobedient in such a case shall be brought to trial for impiety by any one who pleases. If in a fit of anger a husband kills his wedded wife, or the wife her husband, the slayer shall undergo the same purification, and the term of exile shall be three years. And when he who has committed any such crime returns, let him have no communication in sacred rites with his children, neither let him sit at the same table with them, and the father or son who disobeys shall be liable to be brought to trial for impiety by any one who pleases. If a brother or a sister in a fit of passion kills a brother or a sister, they shall undergo purification and exile, as was the case with parents who killed their offspring: they shall not come under the same roof, or share in the sacred rites of those whom they have deprived of their brethren, or of their children.

And he who is disobedient shall be justly liable to the law concerning impiety, which relates to these matters. If any one is so violent in his passion against his parents, that in the madness of his anger he dares to kill one of them, if the murdered person before dying freely forgives the murderer, let him undergo the purification which is assigned to those who have been guilty of involuntary homicide, and do as they do, and he shall be pure. But if he be not acquitted, the perpetrator of such a deed shall be amenable to many laws;-he shall be amenable to the extreme punishments for assault, and impiety, and robbing of temples, for he has robbed his parent of life; and if a man could be slain more than once, most justly would he who in a fit of passion has slain father or mother, undergo many deaths. How can he, whom, alone of all men, even in defence of his life, and when about to suffer death at the hands of his parents, no law will allow to kill his father or his mother who are the authors of his being, and whom the legislator will command to endure any extremity rather than do this-how can he, I say, lawfully receive any other punishment? Let death then be the appointed punishment of him who in a fit of passion slays his father or his mother. But if brother kills brother in a civil broil, or under other like circumstances, if the other has begun, and he only defends himself, let him be free from guilt, as he would be if he had slain an enemy; and the same rule will apply if a citizen kill a citizen, or a stranger a stranger. Or if a stranger kill a citizen or a citizen a stranger in self-defence, let him be free from guilt in like manner; and so in the case of a slave who has killed a slave; but if a slave have killed

a freeman in self-defence, let him be subject to the same law as he who has killed a father; and let the law about the remission of penalties in the case of parricide apply equally to every other remission. Whenever any sufferer of his own accord remits the guilt of homicide to another, under the idea that his act was involuntary, let the perpetrator of the deed undergo a purification and remain in exile for a year, according to law.

Enough has been said of murders violent and involuntary and committed in passion: we have now to speak of voluntary crimes done with injustice of every kind and with premeditation, through the influence of pleasures, and desires, and jealousies.

Cle. Very good.

Ath. Let us first speak, as far as we are able, of their various kinds. The greatest cause of them is lust, which gets the mastery of the soul maddened by desire; and this is most commonly found to exist where the passion reigns which is strongest and most prevalent among mass of mankind: I mean where the power of wealth breeds endless desires of never-to-be-satisfied acquisition, originating in natural disposition, and a miserable want of education. Of this want of education, the false praise of wealth which is bruited about both among Hellenes and barbarians is the cause; they deem that to be the first of goods which in reality is only the third. And in this way they wrong both posterity and themselves, for nothing can be nobler and better than that the truth about wealth should be spoken in all states-namely, that riches are for the sake of the body, as the body is for the sake of the soul. They are good, and wealth is intended by nature to be for the sake of them, and is therefore inferior to them both, and third in order of excellence. This argument teaches us that he who would be happy ought not to seek to be rich, or rather he should seek to be rich justly and temperately, and then there would be no murders in states requiring to be purged away by other murders. But now, as I said at first, avarice is the chiefest cause and source of the worst trials for voluntary homicide. A second cause is ambition: this creates jealousies, which are troublesome companions, above all to the jealous man himself, and in a less degree to the chiefs of the state. And a third cause is cowardly and unjust fear, which has been the occasion of many murders. When a man is doing or has done something which he desires that no one should know him to be doing or to have done, he will take the life of those who are likely to inform of such things, if he have no other means of getting rid of them. Let this be said as a prelude concerning crimes of violence in general; and I must not omit to mention a tradition which is firmly believed by many, and has been received by them from those who are learned in the mysteries: they say that such deeds will be punished in the world below, and also that when the perpetrators return to this world they will pay the natural penalty which is due to the sufferer, and end their lives in like manner by the hand of another. If he who is about to commit murder believes this, and is made by the mere prelude to dread such a penalty, there is no need to proceed with the proclamation of the law. But if he will not listen, let the following law be declared and registered against him:

Whoever shall wrongfully and of design slay with his own hand any of his kinsmen, shall in the first place be deprived of legal privileges; and he shall not pollute the temples, or the agora, or the harbours, or any other place of meeting, whether he is forbidden of men or not; for the law, which represents the whole state, forbids him, and always is and will be in the attitude of forbidding him. And if a cousin or nearer relative of the deceased, whether on the male or female side, does not prosecute the homicide when he ought, and have him proclaimed an outlaw, he shall in the first place be involved in the pollution, and incur the hatred of the Gods, even as the curse of the law stirs up the voices of men against him; and in the second place he shall be liable to be prosecuted by any one who is willing to inflict retribution on behalf of the dead. And he who would avenge a murder shall observe all the precautionary ceremonies of lavation, and any others which the God commands in cases of this kind. Let him have proclamation made, and then

go forth and compel the perpetrator to suffer the execution of justice according to the law. Now the legislator may easily show that these things must be accomplished by prayers and sacrifices to certain Gods, who are concerned with the prevention of murders in states. But who these Gods are, and what should be the true manner of instituting such trials with due regard to religion, the guardians of the law, aided by the interpreters, and the prophets, and the God, shall determine, and when they have determined let them carry on the prosecution at law. The cause shall have the same judges who are appointed to decide in the case of those who plunder temples. Let him who is convicted be punished with death, and let him not be buried in the country of the murdered man, for this would be shameless as well as impious. But if he fly and will not stand his trial, let him fly for ever; or, if he set foot anywhere on any part of the murdered man's country, let any relation of the deceased, or any other citizen who may first happen to meet with him, kill him with impunity, or bind and deliver him to those among the judges of the case who are magistrates, that they may put him to death. And let the prosecutor demand surety of him whom he prosecutes; three sureties sufficient in the opinion of the magistrates who try the cause shall be provided by him, and they shall undertake to produce him at the trial. But if he be unwilling or unable to provide sureties, then the magistrates shall take him and keep him in bonds, and produce him at the day of trial.

If a man do not commit a murder with his own hand, but contrives the death of another, and is the author of the deed in intention and design, and he continues to dwell in the city, having his soul not pure of the guilt of murder, let him be tried in the same way, except in what relates to the sureties; and also, if he be found guilty, his body after execution may have burial in his native land, but in all other respects his case shall be as the former; and whether a stranger shall kill a citizen, or a citizen a stranger, or a slave a slave, there shall be no difference as touching murder by one's own hand or by contrivance, except in the matter of sureties; and these, as has been said, shall be required of the actual murderer only, and he who brings the accusation shall bind them over at the time. If a slave be convicted of slaying a freeman voluntarily, either by his own hand or by contrivance, let the public executioner take him in the direction of the sepulchre, to a place whence he can see the tomb of the dead man, and inflict upon him as many stripes as the person who caught him orders, and if he survive, let him put him to death. And if any one kills a slave who has done no wrong, because he is afraid that he may inform of some base and evil deeds of his own, or for any similar reason, in such a case let him pay the penalty of murder, as he would have done if he had slain a citizen. There are things about which it is terrible and unpleasant to legislate, but impossible not to legislate. If, for example, there should be murders of kinsmen, either perpetrated by the hands of kinsmen, or by their contrivance, voluntary and purely malicious, which most often happen in ill-regulated and ill-educated states, and may perhaps occur even in a country where a man would not expect to find them, we must repeat once more the tale which we narrated a little while ago, in the hope that he who hears us will be the more disposed to abstain voluntarily on these grounds from murders which are utterly abominable. For the myth, or saying, or whatever we ought to call it, has been plainly set forth by priests of old; they have pronounced that the justice which guards and avenges the blood of kindred, follows the law of retaliation, and ordains that he who has done any murderous act should of necessity suffer that which he has done. He who has slain a father shall himself be slain at some time or other by his children-if a mother, he shall of necessity take a woman's nature, and lose his life at the hands of his offspring in after ages; for where the blood of a family has been polluted there is no other purification, nor can the pollution be washed out until the homicidal soul which the deed has given life for life, and has propitiated and laid to sleep the wrath of the whole family. These are the retributions of Heaven, and by such punishments men should be deterred. But if they are not deterred, and any one should be incited by some fatality to deprive his father or mother, or brethren, or children, of life voluntarily and of purpose, for him the earthly lawgiver legislates as follows:-There shall be the same proclamations about outlawry, and there shall be

the same sureties which have been enacted in the former cases. But in his case, if he be convicted, the servants of the judges and the magistrates shall slay him at an appointed place without the city where three ways meet, and there expose his body naked, and each of the magistrates on behalf of the whole city shall take a stone and cast it upon the head of the dead man, and so deliver the city from pollution; after that, they shall bear him to the borders of the land, and cast him forth unburied, according to law. And what shall he suffer who slays him who of all men, as they say, is his own best friend? I mean the suicide, who deprives himself by violence of his appointed share of life, not because the law of the state requires him, nor yet under the compulsion of some painful and inevitable misfortune which has come upon him, nor because he has had to suffer from irremediable and intolerable shame, but who from sloth or want of manliness imposes upon himself an unjust penalty. For him, what ceremonies there are to be of purification and burial God knows, and about these the next of kin should enquire of the interpreters and of the laws thereto relating, and do according to their injunctions. They who meet their death in this way shall be buried alone, and none shall be laid by their side; they shall be buried ingloriously in the borders of the twelve portions the land, in such places as are uncultivated and nameless, and no column or inscription shall mark the place of their interment. And if a beast of burden or other animal cause the death of any one, except in the case of anything of that kind happening to a competitor in the public contests, the kinsmen of the deceased shall prosecute the slayer for murder, and the wardens of the country, such, and so many as the kinsmen appoint, shall try the cause, and let the beast when condemned be slain by them, and let them cast it beyond the borders. And if any lifeless thing deprive a man of life, except in the case of a thunderbolt or other fatal dart sent from the Gods-whether a man is killed by lifeless objects, falling upon him, or by his falling upon them, the nearest of kin shall appoint the nearest neighbour to be a judge, and thereby acquit himself and the whole family of guilt. And he shall cast forth the guilty thing beyond the border, as has been said about the animals.

If a man is found dead, and his murderer be unknown, and after a diligent search cannot be detected, there shall be the same proclamation as in the previous cases, and the same interdict on the murderer; and having proceeded against him, they shall proclaim in the agora by a herald, that he who has slain such and such a person, and has been convicted of murder, shall not set his foot in the temples, nor at all in the country of the murdered man, and if he appears and is discovered, he shall die, and be cast forth unburied beyond the border. Let this one law then be laid down by us about murder; and let cases of this sort be so regarded.

And now let us say in what cases and under what circumstances the murderer is rightly free from guilt:-If a man catch a thief coming, into his house by night to steal, and he take and kill him, or if he slay a footpad in self-defence, he shall be guiltless. And any one who does violence to a free woman or a youth, shall be slain with impunity by the injured person, or by his or her father or brothers or sons. If a man find his wife suffering violence, he may kill the violator, and be guiltless in the eye of the law; or if a person kill another in warding off death from his father or mother or children or brethren or wife who are doing no wrong, he shall assuredly be guiltless.

Thus much as to the nurture and education of the living soul of man, having which, he can, and without which, if he unfortunately be without them, he cannot live; and also concerning the punishments:-which are to be inflicted for violent deaths, let thus much be enacted. Of the nurture and education of the body we have spoken before, and next in order we have to speak of deeds of violence, voluntary and involuntary, which men do to one another; these we will now distinguish, as far as we are able, according to their nature and number, and determine what will be the suitable penalties of each, and so assign to them their proper place in the series of our enactments. The poorest legislator will have no difficulty in determining that wounds and mutilations arising out of wounds should follow next in order after deaths. Let wounds be

divided as homicides were divided-into those which are involuntary, and which are given in passion or from fear, and those inflicted voluntarily and with premeditation. Concerning all this, we must make some such proclamation as the following:-Mankind must have laws, and conform to them, or their life would be as bad as that of the most savage beast. And the reason of this is that no man's nature is able to know what is best for human society; or knowing, always able and willing to do what is best. In the first place, there is a difficulty in apprehending that the true art or politics is concerned, not with private but with public good (for public good binds together states, but private only distracts them); and that both the public and private good as well of individuals as of states is greater when the state and not the individual is first considered. In the second place, although a person knows in the abstract that this is true, yet if he be possessed of absolute and irresponsible power, he will never remain firm in his principles or persist in regarding the public good as primary in the state, and the private good as secondary. Human nature will be always drawing him into avarice and selfishness, avoiding pain and pursuing Pleasure without any reason, and will bring these to the front, obscuring the juster and better; and so working darkness in his soul will at last fill with evils both him and the whole city. For if a man were born so divinely gifted that he could naturally apprehend the truth, he would have no need of laws to rule over him; for there is no law or order which is above knowledge, nor can mind, without impiety, be deemed the subject or slave of any man, but rather the lord of all. I speak of mind, true and free, and in harmony with nature. But then there is no such mind anywhere, or at least not much; and therefore we must choose law and order, which are second best. These look at things as they exist for the most part only, and are unable to survey the whole of them. And therefore I have spoken as I have.

And now we will determine what penalty he ought to pay or suffer who has hurt or wounded another. Any one may easily imagine the questions which have to be asked in all such cases:- What did he wound, or whom, or how, or when? for there are innumerable particulars of this sort which greatly vary from one another. And to allow courts of law to determine all these things, or not to determine any of them, is alike impossible. There is one particular which they must determine in all cases-the question of fact. And then, again, that the legislator should not permit them to determine what punishment is to be inflicted in any of these cases, but should himself decide about, of them, small or great, is next to impossible.

Cle. Then what is to be the inference?

Ath. The inference is, that some things should be left to courts of law; others the legislator must decide for himself.

Cle. And what ought the legislator to decide, and what ought he to leave to courts of law?

Ath. I may reply, that in a state in which the courts are bad and mute, because the judges conceal their opinions and decide causes clandestinely; or what is worse, when they are disorderly and noisy, as in a theatre, clapping or hooting in turn this or that orator-I say that then there is a very serious evil, which affects the whole state. Unfortunate is the necessity of having to legislate for such courts, but where the necessity exists, the legislator should only allow them to ordain the penalties for the smallest offences; if the state for which he is legislating be of this character, he must take most matters into his own hands and speak distinctly. But when a state has good courts, and the judges are well trained and scrupulously tested, the determination of the penalties or punishments which shall be inflicted on the guilty may fairly and with advantage be left to them. And we are not to be blamed for not legislating concerning all that large class of matters which judges far worse educated than ours would be able to determine, assigning to each offence what is due both to the perpetrator and to the sufferer. We believe those for whom we are legislating to be best able to judge, and therefore to them the greater part may be left. At the

same time, as I have often said, we should exhibit to the judges, as we have done, the outline and form of the punishments to be inflicted, and then they will not transgress the just rule. That was an excellent practice, which we observed before, and which now that we are resuming the work of legislation, may with advantage be repeated by us.

Let the enactment about wounding be in the following terms:-If anyone has a purpose and intention to slay another who is not his enemy, and whom the law does not permit him to slay, and he wounds him, but is unable to kill him, he who had the intent and has wounded him is not to be pitied-he deserves no consideration, but should be regarded as a murderer and be tried for murder. Still having respect to the fortune which has in a manner favoured him, and to the providence which in pity to him and to the wounded man saved the one from a fatal blow, and the other from an accursed fate and calamity-as a thank-offering to this deity, and in order not to oppose his will-in such a case the law will remit the punishment of death, and only compel the offender to emigrate to a neighbouring city for the rest of his life, where he shall remain in the enjoyment of all his possessions. But if he have injured the wounded man, he shall make such compensation for the injury as the court deciding the cause shall assess, and the same judges shall decide who would have decided if the man had died of his wounds. And if a child intentionally wound his parents, or a servant his master, death shall be the penalty. And if a brother or a sister intentionally wound a brother or a sister, and is found guilty, death shall be the penalty. And if a husband wound a wife, or a wife a husband, with intent to kill, let him or her undergo perpetual exile; if they have sons or daughters who are still young, the guardians shall take care of their property, and have charge of the children as orphans. If their sons are grown up, they shall be under no obligation to support the exiled parent, but they shall possess the property themselves. And if he who meets with such a misfortune has no children, the kindred of the exiled man to the degree of sons of cousins, both on the male and female side, shall meet together, and after taking counsel with the guardians of the law and the priests, shall appoint a citizen to be the heir of the house, considering and reasoning that no house of all the 5040 belongs to the inhabitant or to the whole family, but is the public and private property of the state. Now the state should seek to have its houses as holy and happy as possible. And if any one of the houses be unfortunate, and stained with impiety, and the owner leave no posterity, but dies unmarried, or married and childless, having suffered death as the penalty of murder or some other crime committed against the Gods or against his fellow-citizens, of which death is the penalty distinctly laid down in the law; or if any of the citizens be in perpetual exile, and also childless, that house shall first of all be purified and undergo expiation according to law; and then let the kinsmen of the house, as we were just now saying, and the guardians of the law, meet and consider what family there is in the state which is of the highest repute for virtue and also for good fortune, in which there are a number of sons; from that family let them take one and introduce him to the father and forefathers of the dead man as their son, and, for the sake of the omen, let him be called so, that he may be the continuer of their family, the keeper of their hearth, and the minister of their sacred rites with better fortune than his father had; and when they have made this supplication, they shall make him heir according to law, and the offending person they shall leave nameless and childless and portionless when calamities such as these overtake him.

Now the boundaries of some things do not touch one another, but there is a borderland which comes in between, preventing them from touching. And we were saying that actions done from passion are of this nature, and come in between the voluntary and involuntary. If a person be convicted of having inflicted wounds in a passion, in the first place he shall pay twice the amount of the injury, if the wound be curable, or, if incurable, four times the amount of the injury; or if the wound be curable, and at the same time cause great and notable disgrace to the wounded person, he shall pay fourfold. And whenever any one in wounding another injures not only the

sufferer, but also the city, and makes him incapable of defending his country against the enemy, he, besides the other penalties, shall pay a penalty for the loss which the state has incurred. And the penalty shall be, that in addition to his own times of service, he shall serve on behalf of the disabled person, and shall take his place in war; or, if he refuse, he shall be liable to be convicted by law of refusal to serve. The compensation for the injury, whether to be twofold or threefold or fourfold, shall be fixed by the judges who convict him. And if, in like manner, a brother wounds a brother, the parents and kindred of either sex, including the children of cousins, whether on the male or female side, shall meet, and when they have judged the cause, they shall entrust the assessment of damages to the parents, as is natural; and if the estimate be disputed, then the kinsmen on the male side shall make the estimate, or if they cannot, they shall commit the matter to the guardians of the law. And when similar charges of wounding are brought by children against their parents, those who are more than sixty years of age, having children of their own, not adopted, shall be required to decide; and if any one is convicted, they shall determine whether he or she ought to die, or suffer some other punishment either greater than death, or, at any rate, not much less. A kinsman of the offender shall not be allowed to judge the cause, not even if he be of the age which is prescribed by the law. If a slave in a fit of anger wound a freeman, the owner of the slave shall give him up to the wounded man, who may do as he pleases with him, and if he not give him up he shall himself make good the injury. And if any one says that the slave and the wounded man are conspiring together, let him argue the point, and if he is cast, he shall pay for the wrong three times over, but if he gains his case, the freeman who conspired with the slave shall be liable to an action for kidnapping. And if any one unintentionally wounds another he shall simply pay for the harm, for no legislator is able to control chance. In such a case the judges shall be the same as those who are appointed in the case of children suing their parents; and they shall estimate the amount of the injury.

All the preceding injuries and every kind of assault are deeds of violence; and every man, woman, or child ought to consider that the elder has the precedence of the younger in honour, both among the Gods and also among men who would live in security and happiness. Wherefore it is a foul thing and hateful to the Gods to see an elder man assaulted by a younger in the city; and it is reasonable that a young man when struck by an elder should lightly endure his anger, laying up in store for himself a like honour when he is old. Let this be the law:-Every one shall reverence his elder in word and deed; he shall respect any one who is twenty years older than himself, whether male or female, regarding him or her as his father or mother; and he shall abstain from laying hands on any one who is of an age to have been his father or his mother, out of reverence to the Gods who preside over birth; similarly he shall keep his hands from a stranger, whether he be an old inhabitant or newly arrived; he shall not venture to correct such an one by blows, either as the aggressor or in self-defence. If he thinks that some stranger has struck him out of wantonness or insolence, and ought to be punished, he shall take him to the wardens of the city, but let him not strike him, that the stranger may be kept far away from the possibility of lifting up his hand against a citizen, and let the wardens of the city take the offender and examine him, not forgetting their duty to the God of Strangers, and in case the stranger appears to have struck the citizen unjustly, let them inflict upon him as many blows with the scourge as he has himself inflicted, and quell his presumption. But if he be innocent, they shall threaten and rebuke the man who arrested him, and let them both go. If a person strikes another of the same age or somewhat older than himself, who has no children, whether he be an old man who strikes an old man or a young man who strikes a young man, let the person struck defend himself in the natural way without a weapon and with his hands only. He who, being more than forty years of age, dares to fight with another, whether he be the aggressor or in self defence, shall be regarded as rude and ill-mannered and slavish;-this will be a disgraceful punishment, and therefore suitable to him. The obedient nature will readily yield to such exhortations, but the disobedient, who heeds not the prelude, shall have the law ready for him:-If any man smite another who is

older than himself, either by twenty or by more years, in the first place, he who is at hand, not being younger than the combatants, nor their equal in age, shall separate them, or be disgraced according to law; but if he be the equal in age of the person who is struck or younger, he shall defend the person injured as he would a brother or father or still older relative. Further, let him who dares to smite an elder be tried for assault, as I have said, and if he be found guilty, let him be imprisoned for a period of not less than a year, or if the judges approve of a longer period, their decision shall be final. But if a stranger or metic smite one who is older by twenty years or more, the same law shall hold about the bystanders assisting, and he who is found guilty in such a suit, if he be a stranger but not resident, shall be imprisoned during a period of two years; and a metic who disobeys the laws shall be imprisoned for three years, unless the court assign him a longer term. And let him who was present in any of these cases and did not assist according to law be punished, if he be of the highest class, by paying a fine of a mina; or if he be of the second class, of fifty drachmas; or if of the third class, by a fine of thirty drachmas; or if he be of the fourth class, by a fine of twenty drachmas; and the generals and taxiarchs and phylarchs and hipparchs shall form the court in such cases.

Laws are partly framed for the sake of good men, in order to instruct them how they may live on friendly terms with one another, and partly for the sake of those who refuse to be instructed, whose spirit cannot be subdued, or softened, or hindered from plunging into evil. These are the persons who cause the word to be spoken which I am about to utter; for them the legislator legislates of necessity, and in the hope that there may be no need of his laws. He who shall dare to lay violent hands upon his father or mother, or any still older relative, having no fear either of the wrath of the Gods above, or of the punishments that are spoken of in the world below, but transgresses in contempt of ancient and universal traditions as though he were too wise to believe in them, requires some extreme measure of prevention. Now death is not the worst that can happen to men; far worse are the punishments which are said to pursue them in the world below. But although they are most true tales, they work on such souls no prevention; for if they had any effect there would be no slayers of mothers, or impious hands lifted up against parents; and therefore the punishments of this world which are inflicted during life ought not in such cases to fall short, if possible, of the terrors of the world below. Let our enactment then be as follows:-If a man dare to strike his father or his mother, or their fathers or mothers, he being at the time of sound mind, then let any one who is at hand come to the rescue as has been already said, and the metic or stranger who comes to the rescue shall be called to the first place in the games; but if he do not come he shall suffer the punishment of perpetual exile. He who is not a metic, if he comes to the rescue, shall have praise, and if he do not come, blame. And if a slave come to the rescue, let him be made free, but if he do not come to the rescue, let him receive 100 strokes of the whip, by order of the wardens of the agora, if the occurrence take place in the agora; or if somewhere in the city beyond the limits of the agora, any warden of the city in residence shall punish him; or if in the country, then the commanders of the wardens of the country. If those who are near at the time be inhabitants of the same place, whether they be youths, or men, or women, let them come to the rescue and denounce him as the impious one; and he who does not come to the rescue shall fall under the curse of Zeus, the God of kindred and of ancestors, according to law. And if any one is found guilty of assaulting a parent, let him in the first place be for ever banished from the city into the country, and let him abstain from the temples; and if he do not abstain, the wardens of the country shall punish him with blows, or in any way which they please, and if he return he shall be put to death. And if any freeman eat or drink, or have any other sort of intercourse with him, or only meeting him have voluntarily touched him, he shall not enter into any temple, nor into the agora, nor into the city, until he is purified; for he should consider that he has become tainted by a curse. And if he disobeys the law, and pollutes the city and the temples contrary to law, and one of the magistrates sees him and does not indict him, when he gives in his account this omission shall be a most serious charge.

If a slave strike a freeman, whether a stranger or a citizen, let any one who is present come to the rescue, or pay the penalty already mentioned; and let the bystanders bind him, and deliver him up to the injured person, and he receiving him shall put him in chains, and inflict on him as many stripes as he pleases; but having punished him he must surrender him to his master according to law, and not deprive him of his property. Let the law be as follows:-The slave who strikes a freeman, not at the command of the magistrates, his owner shall receive bound from the man whom he has stricken, and not release him until the slave has persuaded the man whom he has stricken that he ought to be released. And let there be the same laws about women in relation to women, about men and women in relation to one another.



Table of Contents

